

The following is a **sample Scheduling Order** which will be appropriate in a majority of the cases under case management.

The parties, however, should feel free to amend the proposed case management order to reflect the needs of a particular case and should be prepared to fully discuss with the Magistrate Judge the items covered in Local Rule 11(c), as well as any other matters that they believe would be necessary to set and conduct realistic case management.

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JOHN DOE,)	
)	
Plaintiff,)	
)	
v.)	NO.
)	
JANE DOE,)	Judge /Brown
)	
Defendant.)	

INITIAL CASE MANAGEMENT ORDER

Pursuant to Local Rule 11(d), the following Initial Case Management Plan is **adopted**.

1. Jurisdiction:

The order should provide the specific jurisdictional basis for the lawsuit and state whether there is any dispute as to jurisdiction in the matter. If there is a dispute it should be briefly set out. This would include any issue of defective service of process.

2. Plaintiff's theory of the case:

This should be a short version of the plaintiff's theory and should not exceed **one (1) page**, except in unusual circumstances. It should not be simply a repeat of the complaint.

3. Defendant's theory of the case:

The defendant's theory should also be a short summary not to exceed **one (1) page**.

4. Identification of the issues:

Set out the issues that have been resolved, if any, and the issue that remains unresolved.

5. Need for other claims or special issues under Rules 13-15, 17-21, and Rule 23 of the Federal Rules of Civil Procedure:

If the parties anticipate counter-claims, cross-claims, third-party claims, and joinder of other parties or claims, or class action certification, or the need for resolution of any issues arising under the above-cited rules, they should be stated here.

6. Witnesses, if know, subject to supplementation for each party.

7. Initial Disclosures and Staging of Discovery:

A date for initial disclosures should be set if disclosures have not already been made. If the parties wish to waive Rule 26(a), they should so state. In many cases an overall deadline for all discovery should be stated. If the needs of a particular case dictate, discovery may be staged or may provide particular dates for disclosure of experts and Rule 26(a)(2) statements. If, because of anticipated jurisdictional motions or motions to dismiss, stays or limitations on discovery are needed, they should be set out under this paragraph.

Conclude with the statement that prior to filing any discovery-related motion the parties will schedule and conduct a telephone conference with the Magistrate Judge.

8. Dispositive motions:

A deadline for the filing of dispositive motions should be listed as well as specific dates for the response and reply. Normally the response should be a date **28 days after the date of the motion filed**, and the reply should be **14 days after the date the response is filed**. The order should provide that if dispositive motions are filed early, the response and reply dates are moved up accordingly. The order should provide that the motion and response memoranda are limited to **25 pages** and the reply, if a reply is filed, is limited to **five pages**, absent Court permission for longer pleading.

9. Other deadlines:

If there are other deadlines that need to be established due to the nature of the case they should be set out in this section. This should include any motion to amend pleadings or add parties.

10. Subsequent case management conferences:

Normally there should be a provision for a subsequent case management conference. This date will be selected based upon the needs of the case. In most situations it will normally be scheduled approximately **30 days** before the close of discovery. The

parties should also provide whether the subsequent case management conference will be conducted by **telephone**, and if so, who will initiate the call, or whether it will be conducted in **Court**.

11. Alternate dispute resolution

In this section the parties should set out any plans for alternate dispute resolution and whether they believe alternate dispute resolution is appropriate. The parties may wish to set a target date for mediation or a settlement conference.

12. Target trial date:

In this section the parties should state whether the case will be a jury or a bench trial and the estimated length of the trial.

The parties should further request a target trial date. Normally this date should be approximately **5 months** after the date set for the filing of a reply brief for dispositive motions, or if no dispositive motions are anticipated, approximately **3 months** after the close of discovery.

It is so **ORDERED**:

JOE B. BROWN
United States Magistrate Judge

APPROVED FOR ENTRY:

Attorney for the plaintiff

Attorney for the defendant